

SENATE BILL No. 546

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-18; IC 14-19-1-3.

Synopsis: Department of natural resources leases. Provides that, before the department of natural resources may enter into a contract or lease concerning certain land that the department controls, the department must prepare an economic impact analysis and hold a public hearing. Requires that the notice of public hearing be published in a newspaper of general circulation in the county where the land that is subject to the proposed lease or contract is located.

Effective: July 1, 2007.

Tallian

January 23, 2007, read first time and referred to Committee on Natural Resources.

C
o
p
y



First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 546

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 14-18-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Following the expiration of the period set aside for the submission of proposals by section 5 of this chapter, the department shall do the following:

(1) Select the proposal that the department considers most appropriate for the fulfillment of the statement of intent.

(2) Prepare an economic impact analysis concerning the proposed lease or contract that includes:

(A) the information required in a statement of Indiana economic impact under IC 14-19-1-3(c)(1) through IC 14-19-1-3(c)(5); and

(B) a description of any potential impact on the local community.

(3) Hold a public hearing that complies with section 6.5 of this chapter.

~~(2)~~ **(4)** Submit the proposal to the commission for approval.

(b) Upon receipt of written approval from the commission, the



C
o
p
y

department shall do the following:

- (1) Negotiate a lease agreement with the individual, group, or political unit that submitted the proposal.
- (2) Submit the lease agreement to the attorney general for review and approval.

SECTION 2. IC 14-18-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. (a) The department shall give at least sixty (60) days notice of a public hearing required under section 6(a)(3) of this chapter by publishing notice in a newspaper of general circulation in the county where the land that is subject to the proposed lease or contract is located.**

(b) At the public hearing, the department shall receive objections and suggested amendments to the terms of the proposed lease or contract from interested parties. Any interested party may submit an economic impact analysis to the department concerning the proposed lease or contract.

SECTION 3. IC 14-18-3-4, AS AMENDED BY P.L.229-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) The department shall do the following:**

- (1) Draft and distribute copies of the following to the hotel and motel industry:

(A) A proposed lease and contract.

(B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.

- (2) Submit a copy of the proposed lease to the office of tourism development.

(3) Prepare an economic impact analysis concerning the proposed lease and contract that includes:

(A) the information required in a statement of Indiana economic impact under IC 14-19-1-3(c)(1) through IC 14-19-1-3(c)(5); and

(B) a description of any potential impact on the local community.

(b) The office of tourism development shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

SECTION 4. IC 14-18-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. (a) The department shall give at least sixty (60) days notice of the public hearing concerning a proposed lease and contract by publishing notice in a**

C
o
p
y



newspaper of general circulation in ~~Indiana~~ **the county where the land that is subject to the proposed lease and contract is located.**

(b) At the public hearing, the department shall receive objections and suggested amendments to the terms of the proposed lease and contract from ~~persons who are interested in leasing the land and constructing lodging and food facilities~~ **parties. Any interested party may submit an economic impact analysis to the department concerning the proposed lease and contract.**

SECTION 5. IC 14-18-4-3, AS AMENDED BY P.L.229-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The department shall do the following:

(1) Draft and distribute copies of the following to the hotel and motel industry:

(A) A proposed lease and contract.

(B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.

(2) Prepare an economic impact analysis concerning the proposed lease and contract that includes:

(A) the information required in a statement of Indiana economic impact under IC 14-19-1-3(c)(1) through IC 14-19-1-3(c)(5); and

(B) a description of any potential impact on the local community.

~~(2)~~ **(3) Submit a copy of the proposed lease and economic impact analysis to the office of tourism development.**

(b) The office of tourism development shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

SECTION 6. IC 14-18-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The department shall give at least sixty (60) days notice of the public hearing **concerning a proposed lease and contract** by publishing notice in a newspaper of general circulation in ~~Indiana~~ **the county where the land that is subject to the proposed lease and contract is located.**

(b) At the public hearing the department shall receive objections and suggested amendments to the terms of the proposed lease and contract from ~~persons who are interested in leasing the land and constructing lodging and food facilities~~ **parties. Any interested party may submit an economic impact analysis to the department concerning the proposed lease and contract.**

SECTION 7. IC 14-19-1-3 IS AMENDED TO READ AS

C
o
p
y



1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The department
2 may lease property located in a state park to a lessee for a period longer
3 than four (4) years if the requirements of this section are satisfied.

4 (b) A lease described in subsection (a) does not take effect unless
5 all of the following conditions have been met:

6 (1) The lease is approved by the commission.

7 (2) The prospective lessee is required, as a condition of the lease,
8 to make a capital investment in the property of at least two
9 hundred thousand dollars (\$200,000).

10 (3) The investment referred to in subdivision (2) is in real
11 property and not in personal property.

12 (4) Under the terms of the lease, improvements made to the
13 property by the lessee through capital investment will become the
14 property of the state when the lease expires.

15 **(5) A public hearing has been held to receive objections and**
16 **suggested amendments to the terms of the proposed lease.**

17 (c) Before the commission may approve a lease under subsection
18 (b)(1), the prospective lessee must submit to the commission a
19 statement of Indiana economic impact that includes the following
20 information relating to the proposed lease and the capital investment
21 that would be required as a condition of the lease under subsection
22 (b)(2):

23 (1) The estimated average wages and benefits to be paid to the
24 projected new permanent employees whose jobs would be created
25 through the capital investment.

26 (2) The estimated total amount to be expended by the prospective
27 lessee in making the capital investment.

28 (3) The estimated total amount to be paid by the prospective
29 lessee to companies that:

30 (A) are organized under Indiana law; and

31 (B) would be involved in the construction activity that would
32 implement the capital investment.

33 (4) The estimated total wages and benefits that would be paid,
34 during the construction activity that would implement the capital
35 investment, to Indiana residents employed by companies that
36 would be involved in the construction activity.

37 (5) The projected economic activity for:

38 (A) subcontracting companies organized under Indiana law;

39 (B) supply companies organized under Indiana law; and

40 (C) other companies organized under Indiana law;

41 that would result from the capital investment.

42 (d) In deciding whether to approve a lease under subsection (b)(1),

C
o
p
y



1 the commission shall consider whether the proposed term of the lease
2 is longer than the period within which the prospective lessee can
3 reasonably be expected to recover the capital investment in the
4 property that would be required as a condition of the lease under
5 subsection (b)(2).

**C
o
p
y**

